

REMARKS

**Status of Claims**

Claims 1-9 are pending in the application.

**Prior Art Rejection**

Claims 1-6 stand rejected under 35 U.S.C. 102(b) as anticipated by Atalla (4,588,991). Further, claims 7-9 stand rejected under 35 U.S.C. 103 as made obvious over Atalla.

The Examiner's rejections are respectfully traversed.

Applicant's independent claim 1 recites, in part, providing the same key for a cryptosystem key used for reencrypting the secret information stored in the secret information storage means and a cryptosystem key which is stored as the updated cryptosystem key in the cryptosystem key storage means if the illegal access determining means detects no illegal access; and providing different keys for the above two kinds of cryptosystem keys if the illegal access determining means detects an illegal access. Similar limitations appear in applicant's remaining independent claims 2 and 3.

In contrast, the Atalla patent merely discloses, that upon any authorized access of a file, the file is reencrypted with a new code key and the reencrypted data is stored. A key usage control file 19 keeps track of the appropriate code key for every file.

Notably absent from Atalla is any teaching of what would happen when an unauthorized access is attempted to be made so that an illegal access is detected. Presumably, if an illegal access is detected according to Atalla, no access rights are granted and that is the end of the matter. Since no access rights are granted, the file is not retrieved and thus it is not decrypted and subsequently reencrypted with another key.

Applicant's invention however requires not only the decrypting and reencrypting with a new code key upon each authorized access but in addition the decrypting and reencrypting the file or data with each unauthorized access wherein different keys are utilized, namely a first key for the cryptosystem key used for reencrypting the secret information stored in the

secret information storage means and a second key for the cryptosystem key which is stored as the updated cryptosystem key in the cryptosystem key storage means. In this manner, if an unauthorized person attempts a second attempt to retrieve the encoded information, the unauthorized user will obtain a decoding key which was not utilized for the encoding process and thus the information obtained will not be accurate even though the unauthorized person might think that he/she has obtained the secret information illegally. See, for example, applicant's specification page 11, line 20 through page 12, line 6.

No such corresponding teachings are shown in the Atalla reference. In particular, specific limitations as to the storage of the two different keys upon an illegal access are not caught in Atalla. Inasmuch as specific recited limitations are not found in the Atalla reference, Atalla may not be utilized as an anticipatory reference under 35 U.S.C. 102. In order for a reference to anticipate a claim, the reference must teach each and every limitation recited in the claim. This is certainly not the case here, and thus the section 102 rejection must be withdrawn.

In view of the comments set forth above, it is submitted that applicant's independent claims are clearly patentable over the prior art. Applicant's dependent claims 4-7 depend on independent claims 1-3 and are likewise deemed to be patentable at least for the reasons indicated above with regard to claim 1 from which they depend.

### **Conclusions**

In view of the arguments set forth above, it is submitted that the application is now in condition for allowance and an early indication of same is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R.  
§1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By David A. Blumenthal

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5407  
Facsimile: (202) 672-5399

David A. Blumenthal  
Attorney for Applicant  
Registration No. 26,257